UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/1
13 November 1989

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
29 January to 9 March 1990

DRAFT PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The forty-sixth session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 29 January to 9 March 1990. The first meeting will be convened at 11 a.m. Monday, 29 January 1990.

Provisional agenda

2. The provisional agenda, prepared in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, is reproduced below.

Pre-session working groups

3. The forty-sixth session of the Commission is expected to be preceded by meetings of four groups in connection with the following items:

(a) Item 13 (b): Working Group on Situations, composed of five members of the Commission, to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 (Commission decision 1989/109, Council decision 1989/144) is scheduled to meet from 22 January to 26 January 1990;

(b) Item 15: an open-ended working group established to examine, revise and simplify the draft body of principles and guarantees for the protection of mentally ill persons and for the improvement of mental health care (Commission resolution 1989/40, Economic and Social Council resolution 1989/76) is schedule to meet from 8 January to 19 January 1990.

(c) Item 16: the group of three members of the Commission appointed under article IX of the International Convention on Suppression and Punishment of the Crime of Apartheid to consider reports submitted by States parties in accordance with article VII of that Convention (Commission resolution 1989/8, Economic and Social Council decision 1989/137) is scheduled to meet from 22 January to 26 January 1990.

(d) Item 25: an open-ended working group established to draft a declaration on the right and responsibility of individual groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (Commission resolution 1989/60, Economic and Social Council resolution 1989/80) is scheduled to meet from 17 January to 26 January 1990.

4. In addition, a global consultation on the realization of the right to development (Commission resolution 1989/45) is scheduled to meet from 8 to 12 January 1990.

In-session working groups

5. In connection with item 21, the Commission, by resolution 1989/61, decided to establish at its forty-sixth session an open-ended working group to continue consideration of the revised draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, proposed by Yugoslavia, taking into account all relevant documents.

6. Any decisions and resolutions affecting the provisional agenda at the forty-sixth session of the Commission, which may be taken by the General Assembly at its forty-fourth session or by the Economic and Social Council at its organizational session in 1990, will be brought to the attention of the Commission in an addendum to the present document. The annotations to the items listed in the provisional agenda will also be issued in an addendum.

Provisional agenda

1. Election of officers

2. Adoption of the agenda

3. Organization of the work of the session

4. Question of the violation of human rights in the occupied Arab territories, including Palestine

5. Question of human rights in Chile

6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

7. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa

8. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

   (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

   (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms;

   (c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights

9. Question of the realization of the right to development

10. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

11. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

   (a) Torture and other cruel, inhuman or degrading treatment or punishment;

   (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

   (c) Question of enforced or involuntary disappearances

12. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

    (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

    (b) National institutions for the promotion and protection of human rights;

    (c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

13. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

    (a) Question of human rights in Cyprus;

    (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-fifth session

14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

15. Human rights and scientific and technological developments

16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

17. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination;

    (b) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

18. Status of the International Covenants on Human Rights

19. Effective functioning of bodies established pursuant to United Nations human rights instruments

20. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session

21. Rights of persons belonging to national, ethnic, religious and linguistic minorities

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22. Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences

23. Advisory services in the field of human rights

24. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

25. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

26. Elections of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

27. Draft provisional agenda for the forty-seventh session of the Commission

28. Report to the Economic and Social Council on the forty-sixth session of the Commission.

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E/CN.4/1990/1/Add.1
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Original: ENGLISH

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Prepared by the Secretary-General

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Item 1. Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session the commission shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that "the commission shall at the beginning of each session, after the election of its officers, ... adopt the agenda for that session on the basis of the provisional agenda".

3. The Commission will have before it the provisional agenda (E/CN.4/1990/1) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure, as well as the present annotations relating to the items included in the provisional agenda.

Item 3. Organization of the work of the session

4. The attention of the Commission is drawn to the relevant resolutions concerning control and limitation of documentation (inter alia General Assembly resolution 33/56 and Economic and Social Council resolutions 1981/83 and 1982/50). Furthermore, the Commission will recall that at its last six sessions, it had set time-limits for statements. At its forty-fifth session, for example, these limits were as follows: members of the Commission were limited to 1 statement of 15 minutes or 2 statements of 10 minutes per item. Observers and non-governmental organizations were limited to 1 statement of 10 minutes per item, while observer States mentioned in a report and liberation movements could make 1 statement of 15 minutes or 2 statements of 10 minutes per item. It was also agreed that, with regard to rights of reply, the practice followed by the General Assembly, namely limitation to 2 replies, 10 minutes for the first and 5 minutes for the second, would again be observed. In view of the existing financial constraints and the overall reductions imposed, the session must be most carefully planned from the outset, bearing in mind the absolute need for maximum effectiveness in the use of the resources available.

5. The attention of the Commission is also drawn to item 13 (b) of the provisional agenda (E/CN.4/1990/1) under which the Commission should provide, in connection with a decision relating to a particular situation, for a special closed meeting.

Working groups

6. The session will be preceded by meetings of the pre-session working groups indicated in E/CN.4/1990/1, paragraphs 3 and 4. In addition, it is foreseen that one in-session working group will meet during the forty-sixth session of the Commission as indicated in E/CN.4/1990/1, paragraph 5.

Composition of the Commission

7. The following is the composition of the Commission for 1990. The year given in brackets against the name of each State indicates the expiry of the term of membership on 31 December of that year:

Argentina (1990), Bangladesh (1991), Belgium (1991), Botswana (1990), Brazil (1992), Bulgaria (1990), Canada (1991), China (1990), Colombia (1991), Cuba (1991), Cyprus (1991), Ethiopia (1991), France (1992), Gambia (1990), Germany, Federal Republic of (1990), Ghana (1992), Hungary (1992), India (1991), Iraq (1992), Italy (1992), Japan (1990), Madagascar (1992), Mexico (1992), Morocco (1991), Nigeria (1990), Pakistan (1992), Panama (1991), Peru (1990), Philippines (1992), Portugal (1990), Sao Tome and Principe (1990), Senegal (1992), Somalia (1992), Spain (1990), Sri Lanka (1990), Swaziland (1991), Sweden (1991), Ukrainian Soviet Socialist Republic (1991), Union of Soviet Socialist Republics (1991), United Kingdom of Great Britain and Northern Ireland (1990), United States of America (1992), Venezuela (1990), Yugoslavia (1992).

Item 4. Question of the violation of human rights in the occupied Arab territories, including Palestine

8. The Commission has been seized of the human rights situation in the territories occupied by Israel as a result of the hostilities of June 1967 every year since its twenty-fourth session (1968).

9. At its forty-fifth session, the Commission adopted resolution 1989/1 in which it decided to place this item on the agenda of the forty-sixth session as a matter of high priority.

10. The Commission also adopted two other resolutions relevant to this item: 1989/2 A and B. In accordance with paragraphs 12 of resolution 1989/1, paragraphs 5 and 6 of resolution 1989/2 A and paragraph 7 of resolution 1989/2 B, the Commission will have before it a report of the Secretary-General on the measures taken to draw attention to these resolutions and to give them the widest possible publicity (E/CN.4/1990/3) and a note by the Secretary-General listing United Nations reports that deal with the situation of the population of the occupied territories, including Palestine (E/CN.4/1990/4).

11. At its forty-first session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1989/4 on the situation in the Palestinian and other Arab territories occupied by Israel.

12. In this connection, the attention of the Commission is also drawn to the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/44/352 and A/44/599), which were considered by the General Assembly at its forty-fourth session, and to General Assembly resolutions 44/48 A to G of 8 December 1989.

Item 5. Question of human rights in Chile

13. This item has been considered by the Commission as a matter of high priority since its thirty-first session (1975). On 1 February 1985, the Chairman of the Commission apointed Mr. Fernando Volio Jiménez (Costa Rica) as the Commission's Special Rapporteur on the situation of human rights in Chile, on the basis of Commission on Human Rights resolution 11 (XXXV) of 6 March 1979.

14. At its forty-fifth session, the Commission adopted resolution 1989/62, by which it extended the mandate of the Special Rapporteur for another year and requested him to report on the situation of human rights in Chile to the General Assembly at its forty-fourth session and to the Commission at its forty-sixth session. The Economic and Social Council endorsed the Commission's resolution by its decision 1989/147.

15. At its forty-fourth session, the General Assembly considered a report by the Special Rapporteur (A/44/635) and adopted resolution 44/166.

16. The report by the Special Rapporteur to the Commission at its forty-sixth session, as requested in resolution 1989/62, is contained in document E/CN.4/1990/5.

Item 6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

17. The Ad Hoc Working Group of Experts on southern Africa was established by the Commission on Human Rights in accordance with resolution 2 (XXIII) of 6 March 1967. Since then, the Commission has renewed the mandate of the Ad Hoc Working Group regularly, and most recently at its forty-fifth session by resolution 1989/5. The renewal of the mandate was endorsed by the Economic and Social Council in decision 1989/136. The Ad Hoc Working Group is composed of Leliel Mikuin Balanda (Zaire), Humberto Diaz Casanueva (Chile), Felix Ermacora (Austria), Branimir Jankovic (Yugoslavia), Mulka G. Reddy (India) and Elly E.E. Mtango (United Republic of Tanzania).

18. At its forty-fifth session, by resolutions 1989/5 and 1989/3, the Commission requested the Group to continue to investigate and study the policies and practices which violate human rights in South Africa and Namibia, and to submit an interim report to the Commission at its forty-sixth session. In resolution 1989/4, the Commission requested the Ad Hoc Working Group to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa and Namibia, and to report to the Commission at its forty-sixth session. It also requested the Secretary-General to intervene with the Government of South Africa in order to bring to an end the detention, torture and other forms of inhuman treatment of children in South Africa and Namibia and to report on the outcome of his efforts to the Commission at its forty-sixth session. On the same matter, the General Assembly adopted at its forty-fourth session resolution 44/143 entitled "Torture and inhuman treatment of children in detention in South Africa and Namibia".

19. In pursuance of these resolutions, the Commission will have before it the Ad Hoc Working Group's interim report (E/CN.4/1990/7), a report on its visit to Namibia (E/CN.4/1990/7/Add.1) prepared in accordance with paragraphs 22 and 24 of Commission resolution 1989/3 and a report of the Secretary-General (E/CN.4/1990/6) pursuant to paragraph 10 of Commission resolution 1989/4.

Item 7. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa

20. This item has been considered by the Commission since its thirtieth session (1974). The item has also been regularly considered by the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

21. At its forty-fifth session, the Commission adopted resolutions 1989/6 and 1989/7, by which it expressed its appreciation to Mr. Ahmed Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for his updated report containing the list of banks, transnational corporations and other organizations assisting the racist and colonial régime of South Africa.

22. Upon the recommendation of the Commission on Human Rights in its resolution 1989/6, the Economic and Social Council, by its resolution 1989/73 of 24 May 1989, invited the Special Rapporteur to continue to update his list and to provide the Sub-Commission, at its forty-first session, with a concise note on the feasibility of consolidating the lists maintained by United Nations organs of enterprises doing business in South Africa, and with a brief analysis of the partial disinvestment of foreign enterprises in South Africa, enumerating the various techniques employed to avoid total withdrawal from participation in the South African economy.

23. At its forty-first session, the Sub-Commission had before it the updated report of the Special Rapporteur and adopted resolution 1989/18, by which it recommended, through the Commission, that the Economic and Social Council should invite the Special Rapporteur to continue to update his list.

24. At the present session, the Commission will have before it the updated report by the Special Rapporteur (E/CN.4/Sub.2/1989/9 and Add.1). The Commission will also have before it draft resolution VII contained in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1990/2 - E/CN.4/Sub.2/1989/58).

Item 8. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development

(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms

(c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights

25. The Commission, by its resolution 2 (XXXI) of 10 February 1975, decided to keep this item on the agenda as a standing item with high priority. In 1980, the Commission added the present sub-item (b). In 1989, it modified the original sub-item (a) entitled "Problems related to the right to enjoy an adequate standard of living; the right to development" and decided to consider the right to development under a separate agenda item at its forty-sixth session, agenda item 9; it also decided to add to the original sub-item (a) a specific point entitled "Foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

26. The Commission, at its forty-fifth session, adopted resolution 1989/12, entitled "Realization of economic, social and cultural rights" in which it appealed to all States to pursue policies directed towards the implementation, promotion and protection of economic, social, cultural, civil and political rights, and called upon all States to co-operate with each other in promoting social progress and better standards of life in larger freedom. The Commission, in that resolution, also welcomed the decision of the Sub-Commission in its resolution 1988/33, to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights. Also, at its forty-fifth session, the Commission adopted resolution 1989/13 which focused primarily on the work of the Committee on Economic, Social and Cultural Rights. In that resolution, the Commission also referred to the study of problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights and requested that in that study priority be given to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged.

27. Reference may also be made to Commission resolution 1989/10 entitled "Human rights and extreme poverty" and resolution 1989/15 entitled "Foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

28. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-first session, had before it the preliminary report of the special rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19) and it adopted resolution 1989/20 in which it, inter alia, endorsed the Special Rapporteur's preliminary conclusions. The Sub-Commission requested the Special Rapporteur to prepare a progress report on the realization of economic, social and cultural rights, taking into account comments made in the discussion on the preliminary report at its forty-first session.

29. The Sub-Commission, at its forty-first session, also adopted resolution 1989/1 entitled "The new international economic order and the promotion of human rights" and resolution 1989/21 entitled "Foreign debt, economic adjustment policies and their effects on the enjoyment of human rights".

30. In regard to sub-item (c), it may be recalled that at its forty-first session, the Commission, in resolution 1985/44, had requested the Secretary-General to submit to the General Assembly his final study on popular participation (E/CN.4/1985/10 and Add.1 and 2); by resolution 40/99 of 13 December 1985, the Assembly took note of the study and requested the Commission to continue to consider the subject.

31. At its forty-third and forty-fourth sessions, the Commission adopted resolutions 1987/21 and 1988/21 respectively. In these resolutions, the Commission requested the Secretary-General to prepare a study of laws and practices of countries regarding the question of the extent to which the right to participation had been established and had evolved at the national level, and to submit to it a report containing comments made by Governments, United Nations organs, specialized agencies and non-governmental organizations on the study of popular participation.

32. At its forty-fifth session, the Commission had before it the study (E/CN.4/1989/12) and the report (E/CN.4/1989/11) prepared by the Secretary-General. The Commission at that session adopted resolution 1989/14 in which it invited Governments, United Nations organs, specialized agencies and non-governmental organizations which had not yet done so to make their comments on the study on popular participation, and requested the Secretary-General to submit a report containing comments to the Commission at its forty-sixth session. The Commission also took note of the study by the Secretary-General of laws and practices regarding popular participation (E/CN.4/1989/12) and requested him to use all channels at his disposal to collect the relevant information and to prepare on this basis a study regarding the question of the extent to which the right to participation has been established and has evolved at the national level, and to submit that study to the Commission on Human Rights at its forty-seventh session.

33. The Commission, at its present session, will have before it in connection with this sub-item the report of the Secretary-General containing comments on the study on popular participation pursuant to Commission resolution 1989/14 (E/CN.4/1990/8).

Item 9. Question of the realization of the right to development

34. The Commission in its resolution 1989/45 decided to include the present item on the agenda of its forty-sixth session.

35. The Declaration on the Right to Development was proclaimed by the General Assembly at its forty-first session in resolution 41/128 of 4 December 1986. The Working Group of Governmental Experts on the Right to Development, established by the Commission on Human Rights in 1981, had held nine sessions in the period preceding the adoption of the Declaration to the content of which it contributed. Subsequent to the proclamation of the Declaration, the Working Group held three sessions in January of each year 1987, 1988 and 1989 prior to the sessions of the Commission on Human Rights.

36. The Commission on Human Rights, at its forty-fifth session in 1989, had before it the report of the Working Group of Governmental Experts on the Right to Development on its 1989 session (E/CN.4/1989/10) and it adopted resolution 1989/45 on the right to development. In that resolution, the Commission invited the Secretary-General to organize, in 1989, within existing resources, a global consultation on the realization of the right to development, including experts with relevant experience gained at the national level and representatives of the United Nations system, including its specialized agencies, regional intergovernmental organizations and interested non-governmental organizations, including those active in development and human rights, to focus on fundamental problems posed by the implementation of the Declaration, the criteria which might be used to identify progress, and mechanisms for evaluating and stimulating such progress. The Secretary-General was requested to submit the report on the global consultation to the Commission at its forty-sixth session. The Economic and Social Council subsequently approved the Commission's request in decision 1989/141. The global consultation is scheduled to be held at Geneva from 8 to 12 January 1990.

37. Also in resolution 1989/45, the Commission requested the Secretary-General to transmit a questionnaire to Governments, United Nations organs and specialized agencies, as well as to other governmental and non-governmental organizations, including those active in development and human rights, in order to elicit from them additional, updated and more specific views on the subject of the implementation and further enhancement of the Declaration on the Right to Development.

38. The General Assembly, at its forty-fourth session, adopted resolution 44/62 entitled "Right to development" in which it called upon the Commission to decide at its forty-sixth session on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration, and invited the Commission to report on the question to the General Assembly at its forty-fifth session, through the Economic and Social Council.

39. At its present session, the Commission will have before it in connection with this item the following documents:

(a) Report of the Secretary-General containing views on the implementation and further enhancement of the Declaration on the right to development (E/CN.4/1990/33);

(b) Report of the Secretary-General on the global consultation on the realization of the right to development (E/CN.4/1990/9).

Item 10. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

40. This item has been on the Commission's agenda since 1975. At its forty-fifth session, the Commission adopted the following resolutions under this item: 1989/18 entitled "Question of Western Sahara", 1989/19 entitled "Situation in occupied Palestine", 1989/20 entitled "Situation in Kampuchea", 1989/21 entitled "Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination", 1989/22 entitled "Situation in southern Africa" and 1989/23 entitled "Situation in Afghanistan".

41. At its forty-forth session, the General Assembly adopted resolution 44/79 entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights" and resolution 44/80 entitled "Universal realization of the right of peoples to self-determination".

42. The Commission will have before it a report of the Secretary-General prepared in accordance with Commission resolution 1989/19 (E/CN.4/1990/10).

Special Rapporteur on the question of mercenaries

43. At its forty-third session, the Commission, by resolution 1987/16, decided to appoint for one year a Special Rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination. On 1 September 1987, the Chairman of the Commission appointed Mr. Enrique Bernales Ballesteros (Peru) as Special Rapporteur of the Commission on the question of mercenaries.

44. At its forty-fourth session, the Commission adopted resolutions 1988/7 and 1988/30, in which it extended the mandate of the Special Rapporteur for two years. At its forty-fifth session, the Commission requested the Special Rapporteur to submit to the Commission, at its forty-sixth session, a report on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, together with his conclusions and recommendations, and to submit a preliminary report to the General Assembly at its forty-fourth session (resolution 1989/21).

45. At its forty-fourth session, the General Assembly considered a preliminary report by the Special Rapporteur (A/44/526) and adopted resolution 44/81.

46. The report by the Special Rapporteur to the Commission at its forty-sixth session, as requested in resolution 1989/21, is contained in document E/CN.4/1990/11.

Item 11. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment

(b) Status of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances

Sub-item (a) Torture and other cruel, inhuman or degrading treatment or punishment

47. This item has been considered annually since 1984 by the Commission and has also been regularly considered by the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Action taken by the General Assembly so far has included adoption of a

declaration and a convention against torture, adoption of the Code of Conduct for Law Enforcement Officials, the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment, and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the Death Penalty.

48. At its forty-first session, the Commission, by resolution 1985/33, decided to appoint a Special Rapporteur to examine questions relevant to torture. The Chairman subsequently designated Mr. Peter Kooijmans (Netherlands); his mandate was renewed by Commission resolutions 1986/50, 1987/29 and by resolution 1988/32 for two years.

49. At its forty-fifth session, the Commission adopted resolution 1989/33 by which it decided that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive credible and reliable information from Governments, as well as specialized agencies, intergovernmental organizations and non-governmental organizations.

50. In pursuance of the above-mentioned resolutions, the Commission will have before it the main report of the Special Rapporteur (E/CN.4/1990/17), and a report on his visit to Zaire following an invitation from the Government of that country (E/CN.4/1990/17/Add.1)

United Nations Voluntary Fund for Victims of Torture

51. The United Nations Voluntary Fund for Victims of Torture was established in December 1981 by the General Assembly (resolution 36/151) for the purpose of receiving voluntary contributions for distribution, through established channels of assistance, as humanitarian, legal and financial aid to individuals who had been tortured and to their relatives. In resolution 1989/30, the Commission expressed its gratitude and appreciation to those Governments, organizations and individuals that had already contributed to the Fund and appealed to those in a position to do so to respond favourably to requests for contributions, if possible on a regular basis. The Commission furthermore requested the Secretary-General to keep it informed of the operations of the Fund on an annual basis.

52. The Commission will have before it the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture presented to the General Assembly at its forty-fourth session (A/44/708) and a further report (E/CN.4/1990/16) covering any developments that may have occurred following circulation of the report to the Assembly.

Sub-item (b) Status of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

53. By its resolution 1989/29, the Commission requested the Secretary-General to continue submitting to the General Assembly and to the Commission annual reports on the status of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was opened for signature on 4 February 1985 and entered into force on 26 June 1987. The Commission will have before it the report of the Secretary-General on the status of the Convention (E/CN.4/1990/15).

Sub-item (c) Question of enforced or involuntary disappearances

54. In pursuance of General Assembly resolution 33/173, the Commission, by resolution 20 (XXXVI) of 29 February 1980, decided to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons. At its thirty-seventh to forty-first sessions the Commission extended the term of the Working Group's mandate by one year.

55. At its forty-second and forty-fourth sessions, the Commission decided, inter alia, to extend the Working Group's mandate for two years. At its forty-fifth session, by resolution 1989/27, the Working Group was requested to report to the Commission, at its forty-sixth session, on its work. The Working Group is made up of Toine van Dongen (Netherlands), Jonas K.D. Foli (Ghana), Aga Hilaly (Pakistan), Diego García-Sayán (Peru) and Ivan Tosevski (Yugoslavia).

56. The Commission will have before it the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13).

57. The attention of the Commission is also drawn to General Assembly resolution 44/160 of 8 December 1989.

Question of human rights and states of emergency

58. The attention of the Commission is drawn to the work of the Sub-Commission on this question. A third annual report and a list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, was presented by the Special Rapporteur on states of emergency, Mr. Leandro Despouy, to the Sub-Commission at its forty-first session (E/CN.4/Sub.2/1989/30 and Add.1 and Add.2/Rev.1). By resolution 1989/28, the Sub-Commission invited the Special Rapporteur to update his report so that the Commission, at its forty-sixth session, would have before it the most recent and accurate information available. The Commission on Human Rights, at its forty-fifth session, adopted decision 1989/105 on this matter. The revised and updated report is contained in document E/CN.4/Sub.2/1989/30.

Staff members of the United Nations and specialized agencies in detention

59. Both the Commission and the Sub-Commission have dealt with the detention, disappearance and death in detention of United Nations staff members. In its resolution 1989/28, the Commission requested the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of United Nations staff members and experts and their families were fully respected. It further requested him to submit to the Commission, at its forty-sixth session, an updated version of the report he had submitted to it at its forty-fifth session on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will, including those cases which had been successfully settled during the five years preceding the Commission's forty-fifth session.

60. The Sub-Commission, at its fortieth session, had before it, pursuant to its resolution 1987/21, a report of the Secretary-General on this subject. It adopted resolution 1988/9 in which it decided to entrust one of its members,

Mrs. Maria Concepción Bautista, with the task of undertaking an examination of violations of human rights of staff members of the United Nations system, and to submit a preliminary report to the Sub-Commission at its forty-first session.

61. At its forty-first session, the Sub-Commission had before it the preliminary report of Mrs. Bautista (E/CN.4/Sub.2/1989/28) and it adopted resolution 1989/30 in which it invited the Special Rapporteur to continue her study and to submit a report to the Sub-Commission at its forty-second session, with proposals for practical measures to improve the present system and ensure that staff members of the United Nations and the specialised agencies are protected.

62. At its forty-sixth session, the Commission will have before it a report of the Secretary-General (E/CN.4/1990/14) submitted in accordance with Commission resolution 1989/28.

Draft declaration on enforced or involuntary disappearances

63. The question of a draft declaration against unacknowledged detention of persons was examined at the thirty-ninth and fortieth sessions of the Sub-Commission by its sessional Working Group on Detention (see E/CN.4/Sub.2/1987/15 and E/CN.4/Sub.2/1988/28) pursuant to Commission decision 1986/106 and Commission resolutions 1987/33 and 1988/33, paragraph 5. In paragraph 7 of the latter resolution, the Commission called upon its special rapporteurs and working groups to give particular attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons.

64. The Working Group on Detention, at its 1988 and 1989 sessions, gave consideration to a draft declaration on the protection of all persons from enforced or involuntary disappearances (see E/CN.4/Sub.2/1988/28, annex I and E/CN.4/Sub.2/1989/29/Rev.1, annex I). In its resolution 1988/17, the Sub-Commission requested the Working Group on Detention to complete work on the draft declaration as soon as possible with a view to submitting it to the Sub-Commission for approval preferably at its forty-first session. At its 1989 session, the Working Group decided to give maximum priority to this matter in 1990.

Compensation for victims of gross violations of human rights

65. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-first session, adopted resolution 1989/13 in which it decided to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account relevant existing international human rights norms on compensation and relevant decisions and views of international human rights organs, with a view to exploring the possibility of developing some basic principles and guidelines in this respect. The Sub-Commission requested Mr. van Boven to submit a preliminary report for consideration by the Sub-Commission at its forty-second session.

66. In this regard, the Commission has before it draft resolution III as recommended by the Sub-Commission (E/CN.4/1990/2-E/CN.4/Sub.2/1989/58).

Use of force by law enforcement officials

67. The Sub-Commission, at its forty-first session, adopted resolution 1989/33 in which it re-emphasized that law enforcement officials should not use force in ways which effectively would undermine the enjoyment of the right of everyone to peaceful assembly, including the right to peaceful demonstrations, underlined that the use of force in law enforcement should take place only in exceptional circumstances and only to the extent strictly required to uphold law and order in a democratic society, and also underlined that law enforcement officials should refrain from the use of fire-arms, tear gas and other equally harmful devices, except in cases of extreme circumstances where less dangerous means would be clearly insufficient. In that resolution, the Sub-Commission recommended to the Commission draft resolution IX for adoption; the draft resolution is contained in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1990/2- E/CN.4/Sub.2/1989/58).

The independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

68. The Commission on Human Rights at its forty-fifth session, adopted resolution 1989/32 in which it expressed its appreciation and thanks to the Special Rapporteur of the Sub-Commission, Mr. L. M. Singhvi, for his study on this subject (E/CN.4/Sub.2/1985/18 and Add.1-6) and for his draft declaration (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1), and invited Governments to take into account the principles set forth in the draft declaration in implementing the Basic Principles on the Independence of the Judiciary. The Commission also recommended that Governments should provide for the protection of practising lawyers against undue restrictions and pressures in the exercise of their functions, and welcome the decision of the Sub-Commision to consider the agenda item "Draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers" at its forty-first session. The Commission further requested the Sub-Commission, under this same agenda item, to consider effective means of monitoring the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers.

69. The Sub-Commission, at its forty-first session, adopted resolution 1989/22 in which it invited Mr. Louis Joinet to prepare, without financial implications, a working paper on means in the area of monitoring by which the Sub-Commission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers as requested in Commission resolution 1989/32.

Human rights in the administration of justice

70. In its resolution 1989/24, the Commission dealt with a broad range of issues relating to human rights in the administration of justice, including the work of the Sub-Commission and co-ordination between various bodies in that area, and decided to consider the question at its forty-sixth session. In that resolution, the Commission stressed the desirability of providing States, at their request, with continued assistance in the field of the administration of justice, in particular under the programme of advisory services in the field of human rights, and further stressed the desirability

of including in such assistance model texts for national legislative or other measures for the effective implementation of standards in this field. The Commission in that regard requested the Secretary-General to study the feasibility of drafting such model texts, to seek the views of Member States on this issue and to inform the Commission at its forty-sixth session of the results of his study.

71. The Commission at its present session will have before it a note by the Secretary-General on the feasibility of such draft model text, for national legislations or other measures for the effective implementation of standards in the field of human rights in the administration of justice (E/CN.4/1990/12).

72. The General Assembly, at its forty-fourth session, adopted resolution 44/162 entitled "Human rights in the administration of justice" in which it requested the Commission to invite the Sub-Commission to study the practical implementation of the United Nations norms and standards in this field and to recommend practical measures to the Commission. It also requested the Secretary-General to solicit comments from Member States as well as from the relevant international agencies and bodies, such as, the Human Rights Committee, the Committee Against Torture, and the Committee for the Elimination of Racial Discrimination, on the implementation of these standards, to forward these comments to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its next session. It further requested the Secretary-General to identify general problems that may impinge on the effective implementation of standards and norms and to recommend viable solutions with action-oriented proposals; to formulate practical proposals for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on procedures and actions at national, regional and international levels to implement United Nations norms and standards in the administration of justice and human rights; to continue to assist Member States, at their request, in implementing existing international human rights standards in the administration of justice, in particular under the programme of advisory services; to continue to provide all necessary support to United Nations bodies working on standard-setting in this field; and to co-ordinate the various technical advisory services carried out by the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs with a view to undertaking joint programmes and strengthening existing mechanisms for the protection of human rights in the administration of justice.

Other matters

73. In connection with agenda item 11, the Commission may wish to note the following resolutions and decisions adopted by the Sub-Commission at its forty-first session: resolution 1989/27 entitled "Right to a fair trial"; resolution 1989/31 entitled "Application of international standards concerning the human rights of detained juveniles"; resolution 1989/32 entitled "Application of the death penalty to persons under 18 years of age"; decision 1989/110 entitled "Study of the issue of the privatization of prisons"; decision 1989/111 entitled "Report by Mr. Louis Joinet on administrative detention".

Item 12. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

(b) National institutions for the promotion and protection of human rights

(c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

74. The item on the further promotion and encouragement of human rights and fundamental freedoms has been on the agenda of the Commission since 1963 (Commission resolution 8 (XIX)). The title of the item was modified by the addition of the subject of alternative approaches in pursuance of General Assembly resolution 32/130 of 16 December 1977. Regional arrangements and national institutions are also considered by the Commission under this item.

75. At its forty-fifth session, the Commission adopted resolution 1989/53 by which it decided on a number of measures to be taken in the context of the development of public information activities in the field of human rights - including the World Public Information Campaign for Human Rights. Pursuing to a request of the Commission, the Secretary-General will submit a report on the implementation of that resolution to the Commission at its forty-sixth session (E/CN.4/1990/19) which will include also a first assessment of the impact of the Campaign's activities undertaken by the United Nations in the field of human rights. The attention of the Commission is also drawn to General Assembly resolution 44/61 by which the Assembly reiterated such requests to the Commission on Human Rights.

76. The attention of the Commission is also drawn to Commission resolution 1989/50 "Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region" by which the Secretary-General is requested to submit to the forty-sixth session of the Commission information on the progress achieved in the implementation of that resolution. The report of the Secretary-General is contained in document E/CN.4/1990/18.

77. By resolution 1989/52 on "National institutions for the promotion and protection of human rights", the Commission on Human Rights decided to consider this question again at its forty-seventh session. It should also be noted that the General Assembly, in its resolution 44/64, requested the Secretary-General to prepare, with the assistance of experts if necessary and including materials submitted by Governments, a report containing conceptual models of national institutions to be submitted to the Commission at its forty-seventh session.

78. The attention of the Commission should also be drawn on its resolution 1989/49 "International co-operation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and

fundamental freedoms" which inter alia invites all States and international organizations to submit to the Secretary-General their comments and views on ways and means of strengthening international co-operation. Furthermore, the General Assembly, in its resolution 44/156, invited the Secretary-General to seek the views of Governments, specialized agencies, non-governmental organizations and other relevant organs of the United Nations dealing with human rights on the opportunity of convening a world conference on human rights dealing with the crucial questions posed to the United Nations by the promotion and protection of human rights. The Secretary-General is asked to report to the forty-fifth session of the General Assembly.

79. Furthermore, in its resolution 44/167 on the enlargement of the Commission on Human Rights and the further promotion and encouragement of human rights and fundamental freedoms, the General Assembly requested the Commission on Human Rights to examine ways and means of making its work more effective and to submit its recommendations thereon to the Economic and Social Council. The General Assembly also decided to recommend that the Economic and Social Council take the necessary steps at its first regular session in 1990 to expand the membership of the Commission on Human Rights on the basis of the principle of equitable geographical distribution for the further promotion of human rights and fundamental freedoms.

80. The attention of the Commission is also drawn on General Assembly resolution 44/148, dealing with the preparation of an instrument on human rights based on solidarity, by which the Assembly requested the Commission on Human Rights to obtain the views of States, specialized agencies and organizations of the United Nations system, other international organizations, including non-governmental organizations on these matters and to study the questions.

Other matters

81. It should also be recalled that the Commission on Human Rights adopted resolution 1989/51 entitled "Enhancing the effectiveness of the principle of periodic and genuine elections". In this connection, the General Assembly adopted two resolutions on the matter: one, 44/146 called upon the Commission on Human Rights, at its forty-sixth session, to continue its consideration of appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections and to report to the forty-fifth session of the General Assembly through Economic and Social Council. The other resolution 44/147 called upon the Commission on Human Rights to give priority to the review of the fundamental factors that negatively affect the observance of the principles of national sovereignty and non-interference in the internal affairs of States, in their electoral processes and to report to the General Assembly at its forty-fifth session through Economic and Social Council.

Overall analysis

82. By its resolution 32/130, the General Assembly, inter alia, formulated several concepts to be taken into account in the future work within the United Nations system with respect to human rights questions and requested the Commission to undertake at its thirty-fourth session, as a matter of priority, an overall analysis of the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human

rights and fundamental freedoms in the light of certain concepts stated in its resolution. The General Assembly, at its forty-fourth session, in resolution 44/63 reiterated such request to the Commission. The Commission has been carrying out each year such an overall analysis.

83. The Sub-Commission, at its forty-first session, adopted resolution 1989/11 entitled "Human rights monitoring mechanisms established within the United Nations framework" in which it recommended to the Commission draft resolution I contained in chapter I, section A, of the Sub-Commission report (E/CN.4/1990/2-E/CN.4/Sub.2/1989/58).

Item 13. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on situations established by the Commission at its forty-fourth session

84. By resolution 1164 (XLI) of 5 August 1966, the Economic and Social Council welcomed the decision of the Commission in its resolution 2 B (XXII) of 25 March 1966 to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to violations of human rights. In resolution 2144 A (XXI) of 26 October 1966, the General Assembly invited the Council and the Commission to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they might occur. Pursuant to these resolutions, the Commission adopted resolution 8 (XXIII) of 16 March 1967, in which it decided to give annual consideration to an item on the question of violations of human rights and fundamental freedoms. The title of the item was later modified by the Commission. Subsequently, the Economic and Social Council adopted resolutions 1235 (XLII) and 1503 (XLVIII) on the question of violations of human rights and fundamental freedoms.

85. In resolution 32/130, the General Assembly decided that, in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by various situations referred to in the resolution. The Assembly reiterated those views in subsequent resolutions, including resolution 37/199. In resolution 34/175 entitled "Effective action against mass and flagrant violations of human rights", the Assembly urged the appropriate United Nations bodies, within their mandates, particularly the Commission, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights. By resolution 37/200, the General Assembly urged all States to co-operate with the Commission in its study of violations of human rights and fundamental freedoms in any part of the world and requested the Commission to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights.

86. At its forty-fourth session, the General Assembly considered reports on the situation of human rights in Afghanistan (A/44/669), Chile (A/44/635, see agenda item 5 above), El Salvador (A/44/671), the Islamic Republic of Iran (A/44/620), and Southern Lebanon (A/44/573), as well as a report on human rights and mass exoduses (A/44/622) and adopted resolutions 44/161, 44/166, 44/165, 44/163 and 44/164.

87. Pursuant to its own resolutions, as well as, in some instances, to resolutions of the General Assembly and the Economic and Social Council, the Commission will have before it, under the present item 13, the following reports:

(a) Report of its Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22) and a report on his visit to Colombia following an invitation from the Government of that country (E/CN.4/1990/22/Add.1) (Commission resolution 1989/64 and Assembly resolution 44/155);

(b) Report of the Secretary-General of the situation of human rights in Southern Lebanon (E/CN.4/1990/23) (Commission resolution 1989/65);

(c) Report of the Commission's Special Representative on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1990/24) (Commission resolution 1989/66, Council decision 1989/148 and Assembly resolution 44/163);

(d) Report of the Commission's Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1990/25) (Commission resolution 1989/67, Council decision 1989/149 and Assembly resolution 44/161);

(e) Report of the Commission's Special Representative on the situation of human rights in El Salvador (E/CN.4/1990/26) (Commission resolution 1989/68, Council decision 1989/150 and Assembly resolution 44/165);

(f) Report of the Secretary-General under Commission resolution 1989/69 entitled "Situation of human rights in Albania" (E/CN.4/1990/27);

(g) Report of the Commission's Special Rapporteur on the human rights situation in Romania (E/CN.4/1990/28) (Commission resolution 1989/75 and Council decision 1989/154).

88. The Commission will also have before it a note by the Secretary-General prepared pursuant to Sub-Commission resolution 1989/5 entitled "Situation in China" (E/CN.4/1990/52).

Sub-item (a) Question of human rights in Cyprus

89. This question was first considered by the Commission at its thirty-second session, when it adopted resolution 4 (XXXIII) of 27 February 1976. The Commission has had this question on its agenda since then; at its forty-fifth session, by decision 1989/110, the Commission decided to postpone debate on the item to its forty-sixth session and to give it due priority. It requested the Secretary-General to provide a report to the Commission regarding the implementation of its previous resolutions on the subject (E/CN.4/1990/21).

Sub-item (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-fifth session

90. By resolution 1503 (XLVIII) of 27 May 1970, entitled "Procedure for dealing with communications relating to violations of human rights and fundamental freedoms", the Council further regulated the procedure for dealing with communications. Particular situations referred to the Commission by the Sub-Commission under Council resolution 1503 (XLVIII) were before the Commission for the first time at its thirtieth session in 1974. Since then, particular situations relating to 44 countries have been placed before the Commission under the procedure.

91. At its thirtieth session in 1974, the Commission decided, with the subsequent approval of the Economic and Social Council, to establish a working group of five of its members, due account being taken of considerations of geographical distribution, to examine the particular situations referred to the Commission under Council resolution 1503 (XLVIII) (decision 3 of 6 March 1974). The Working Group met prior to the Commission's thirty-first session in 1975 and submitted its recommendations confidentially to the Commission. A working group of this nature (Working Group on Situations) has been set up annually since then, with the approval of the Council, to examine the particular situations referred to the Commission each year and the situations of which the Commission is seized from earlier sessions.

92. At its thirtieth session, the Commission also decided that the Governments concerned should thenceforth be invited to submit written observations relating to the particular situations referred to the Commission (decision 3, para. 4).

93. In 1978, the Commission decided to issue invitations, during the first week of each session, to the States directly concerned, asking them to send representatives to address the Commission and to answer any questions put by members of the Commission (decision 5 (XXXIV)).

94. In 1979, the Commission decided to authorize its working groups in future to communicate the text of the relevant recommendations as soon as possible to the Governments directly concerned, in order to facilitate their participation in the examination of the situations concerning their countries, as provided in Commission decision 5 (XXXIV) (decision 14 (XXXV)).

95. In 1980, the Commission decided that the States invited to attend the closed meeting of the Commission under Council resolution 1503 (XLVIII) should have the right to attend and to participate in the entire discussion of the situation concerning them, and to be present during the adoption of the final decision taken in regard to that situation (decision 9 (XXXVI)).

96. All actions taken under the procedure governed by Council resolution 1503 (XLVIII) remain confidential until such time as the Commission may decide to make recommendations to the Council. The documentation pertaining to the procedure is also confidential.

97. As in earlier years, the Commission decided, at its forty-fifth session, to set up a working group (Working Group on Situations) to meet for one week prior to its forty-sixth session to examine such particular situations as might be referred to it by the Sub-Commission at its forty-first session under Council resolution 1503 (XLVIII) and those situations of which the Commission was seized (decision 1989/109). The establishment of the Working Group on Situations, to meet from 22 to 26 January 1990, was approved by the Economic and Social Council in decision 1989/144. The Working Group is composed of Antonio Costa Lobo (Portugal), Todor Ditchev (Bulgaria), Harun-ur-Rashid (Bangladesh), Gmor Abdou Secka (the Gambia) and Armando Villaneuva del Campo (Peru).

98. At its forty-sixth session, the Commission will have before it the report of its Working Group on Situations, as well as other confidential documents pertaining to the sub-item, including the confidential report of the forty-first session of the Sub-Commission (E/CN.4/1990/R.1 and addenda), a report relating to the implementation of a confidential decision adopted at the Commission's last session and such observations as may be received from the Government's concerned (to be issued in the E/CN.4/1990/R... series). In addition, the Commission will have before it the relevant earlier material relating to the situations of which the Commission is seized. The above-mentioned confidential documents will be handed to the members of the Commission at the session.

99. Chapter IX of the report of the Sub-Commission on the work of its forty-first session (E/CN.4/1990/2-E/CN.4/Sub.2/1989/58) is also relevant to this sub-item.

Item 14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

100. Questions concerning the human rights of migrant workers have been the subject of attention at many sessions of the Commission. By resolution 34/172 of 17 December 1979, the General Assembly decided to create at its thirty-fifth session a working group open to all member States to elaborate an international convention on the protection of the rights of all migrant workers and their families. Accordingly, at its thirty-fifth session, the General Assembly established an open-ended Working Group on this subject, whose mandate has since been renewed regularly.

101. At its forty-fifth session, the Commission on Human Rights adopted resolutions 1989/55 on 7 March 1989 in which it welcomed the progress made by the Working Group on the second reading of the draft international convention and requested the Secretary-General to inform the Commission accordingly at its forty-sixth session.

102. At its forty-sixth session, the Commission will have available to it the 1989 reports of the General Assembly's Working Group (A/C.3/44/1 and A/C.3/44/4). Subsequently, the Assembly adopted resolution 44/155, by which it continued the mandate of the Working Group.

Item 15. Human rights and scientific and technological developments

103. Following resolution XI of the International Conference on Human Rights (Tehran, 1968), human rights problems arising from scientific and technological developments have been examined by the General Assembly at various sessions. They have also been on the agenda of the Commission as a standing item since its twenty-seventh session (1971). At its thirty-ninth session, the Commission decided to consider this item on a biennial basis, beginning at its fortieth session.

104. At its forty-fourth session, the Commission adopted resolutions 1988/59, 1988/60, 1988/61 and 1988/62 in relation to this subject. In resolution 1988/60, the Commission called upon all States, appropriate United Nations bodies, specialized agencies and intergovernmental and non-governmental organizations concerned to take measures to ensure that the results of scientific and technological progress were used exclusively in the interests of international peace, for the benefit of mankind and for promoting and encouraging universal respect for human rights and fundamental freedoms. The Commission also requested the Secretary-General, in the light of the comments and views of Member States, to submit a report on the implementation of that resolution to the Commission at its forty-sixth session.

105. In resolution 1988/61, the Commission stressed the importance of the implementation by all States of the provisions and principles contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. It requested once again the Sub-Commission to undertake, as a matter of priority, a study on the use of the achievements of scientific and technological progress to ensure the right to work and development.

106. The General Assembly, at its forty-fourth session, adopted resolution 44/133 in which it requested the Commission to continue to give attention to the question of the implementation of the provisions of the Declaration, and invited the Commission to assist the Sub-Commission in preparing the study requested by the Commission in its resolutions 1982/4, 1984/29, 1986/11 and 1988/61.

Impact of scientific and technological progress on human rights

107. By resolution 1988/59, the Commission welcomed the preliminary report submitted by the United Nations University pursuant to Commission resolution 1986/9 (E/CN.4/1988/48) and invited the United Nations University to continue to study the impact of scientific and technological developments on human rights and expressed the hope that the University would inform the Commission at its forty-sixth session of the results of its study.

Draft body of guidelines, principles and guarantees for the protection of mentally-ill persons

108. By resolution 1988/62, the Commission requested the Sub-Commission to complete the work on the draft body of guidelines, principles and guarantees for the protection of mentally-ill persons. At its fortieth session, by its resolution 1988/28, the Sub-Commission adopted the draft body of principles and guarantees and submitted it to the Commission at its forty-fifth session. The Commission, at its forty-fifth session, by its resolution 1989/40, decided

to establish an open-ended working group to meet for a period of two weeks prior to the forty-sixth session to examine, revise and simplify as necessary the draft body of principles and guarantees, with a view to submitting it to the Commission at its forty-sixth session. The Commission also requested the Secretary-General to invite comments, for consideration by the working group, from Governments, specialized agencies, in particular the World Health Organization, and non-governmental organizations on the draft body of principles and guarantees as submitted by the Sub-Commission; and to circulate these comments to all Governments in advance of the session of the working group.

109. In its resolution 1989/76 of 24 May 1989, the Economic and Social Council authorized an open-ended working group of the Commission and requested the Secretary-General, on the basis of the comments received from Governments, specialized agencies and non-governmental organizations in response to paragraph 6 of Commission on Human Rights resolution 1989/40, to prepare a working paper showing the modifications that would be made to the existing draft body of principles and guarantees as a result of those comments.

110. The General Assembly, at its forty-fourth session, adopted resolution 44/134 on this matter in which it requested the Commission to consider the subject in light of the open-ended working group's deliberations and recommendations, with a view to submitting the draft principles and guarantees through the Economic and Social Council to the General Assembly at its forty-fifth session.

Computerized personal data files

111. The General Assembly, at its forty-fourth session, adopted resolution 44/132 entitled "Guidelines for the regulation of computerized personal data files" by which it invited the Sub-Commission's Special Rapporteur, Mr. Louis Joinet, to submit a revised text of the draft through the Commission and the Economic and Social Council to the General Assembly at its forty-fifth session for adoption.

112. At its present session, the Commission will have before it in connection with its consideration of this item:

(a) A note of the Secretary-General transmitting the study on the impact of scientific and technological developments on human rights by the United Nations University pursuant to resolution 1988/59 (E/CN.4/1990/29);

(b) The report of the Secretary-General concerning the implementation of resolution 1988/60 (E/CN.4/1990/30);

(c) The report of the Secretary-General containing comments and proposals in respect of the draft body of principles and guarantees for the protection of mentally-ill persons (E/CN.4/1990/53 and Add.1);

(d) The report of the Working Group on the draft body of principles and guarantees for the protection of mentally-ill persons (E/CN.4/1990/31);

(e) The revised draft guidelines for the regulations of computerized personal data files prepared by the Special Rapporteur Mr. Louis Joinet (E/CN.4/1990/54).

113. Also before the Commission will be a draft resolution recommended for its adoption by Sub-Commission resolution 1989/12 entitled "Movement and dumping of toxic and dangerous products and wastes", in which it recommended to the Commission to request the United Nations Environment Programme to enter into negotiations with the Organization of African Unity so as to find global solutions to the problem of the transboundary movement of hazardous wastes and their disposal; the Secretary-General was requested to submit a report on the results of the negotiations between UNEP and the OAU to the forty-seventh session of the Commission and the forty-second session of the Sub-Commission, respectively (see draft resolution II in the report of the Sub-Commission on its forty-first session, (E/CN.4/1990/2-E/CN.4/Sub.2/1989/58)).

Item 16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

114. The International Convention on the Suppression and Punishment of the Crime of Apartheid was adopted and opened for signature and ratification on 30 November 1973 by General Assembly resolution 3068 (XXVIII). It entered into force on 18 July 1976. As at 1 December 1989, there were 88 States parties to the Convention.

115. In 1980, the Commission decided, by resolution 12 (XXXVI), to maintain this question on its agenda as a standing item.

116. At its forty-fifth session, the Commission adopted resolution 1989/8, by which it took note with appreciation of the report (E/CN.4/1989/33) of the Group of three members of the Commission set up under the Convention. It also requested the Group to continue, in light of the views expressed by States parties, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that might be taken under the Convention against transnational corporations whose operations in South Africa came under the crime of apartheid, and to report to the Commission at its forty-sixth session, and decided that the Group of Three should meet for a period of not more than five days before the forty-sixth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention. The Group of Three is scheduled to meet in Geneva from 22 to 26 January 1990.

117. At its forty-sixth session, the Commission will have before it:

(a) A note by the Secretary-General concerning the status of the Convention and the submission of reports by States parties in accordance with article VII (E/CN.4/1990/32);

(b) Reports received from States parties to the Convention in accordance with article VII thereof (E/CN.4/1989/31/Add.10; E/CN.4/1990/32/Add.1-5 and further addenda as required);

(c) Views and information submitted by States parties, specialized agencies and non-governmental organizations, in accordance with Commission resolution 1989/8 (E/CN.4/1990/34 and addenda as required);

(d) The report of the Group of Three (E/CN.4/1990/35).

Item 17. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination

(b) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

Sub-item (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination

118. By resolution 1983/10, the Sub-Commission on Prevention of Discrimination and Protection of Minorities recommended that a study should be undertaken by Mr. Asbjorn Eide on the achievements made and obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination, with special emphasis on the progress in that field, if any, between the first and second world conferences to combat racism and racial discrimination, taking into account also the resolutions the General Assembly might adopt on the report of the Second World Conference and the first stage of the implementation of the Programme of Action for the Second Decade. The Commission endorsed this proposal in resolution 1984/8.

119. The Economic and Social Council, in resolution 1984/24, subsequently authorized the study and requested Mr. Eide to present it to the Sub-Commission at its thirty-eighth session.

120. The first part of the study (E/CN.4/Sub.2/1985/7) was made available to the Sub-Commission at its thirty-eighth session. The second and final report was submitted to the Sub-Commission at its thirty-ninth session in 1987 (E/CN.4/Sub.2/1987/6). The Sub-Commission subsequently adopted resolution 1988/6, in which it endorsed the decision by Mr. Eide to make a renewed call for additional information required to complete his study and requested him to submit a final report to the Sub-Commission at its forty-first session in 1989.

121. At its forty-first session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had before it the final report by the Special Rapporteur on his study of the achievements made and obstacles encountered during the First Decade and the second half of the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1989/8 and Add.1). At that session, the Sub-Commission adopted its resolution 1989/19 in which it expressed its appreciation to the Special Rapporteur, Mr. A. Eide, for his valuable report. The Sub-Commission decided to refer the final report as well as the summary records of the debate on the subject to the Commission on Human Rights for further consideration. It furthermore recommended to the Commission that the final report of the Special Rapporteur be published and distributed on as wide a scale as possible. The Sub-Commission decided to consider further, at its forty-second session, the recommendations made by the Special Rapporteur and their implementation.

Sub-item (b) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

122. By resolution 1989/9, the Commission requested the Secretary-General to inform it annually of the progress made in carrying out the plan of activities for the period 1990-1993 contained in the annex to General Assembly resolution 42/47 so that the Commission could make its contribution thereto. The Commission further requested the Secretary-General to organize in 1990 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives; reiterated its decision to give thematic consideration, each year, to a selected topic within the plan of activities for 1990-1993; recalled its resolution 1987/12, in which it decided that the topic for such thematic consideration in 1989 would be "The political, historical, economic, social and cultural factors contributing to racism, racial discrimination and apartheid", and requested the Secretary-General to envisage the organization of a seminar on that topic. Having noted that the topic for thematic consideration for the year 1990 would be "The human rights of individuals belonging to ethnic groups in countries of immigration", the Commission decided that the topic for 1991 would be "Ways and means of denying support to racist régimes with a view to making them change their policies", and invited the Secretary-General to proceed with the implementation of the activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47.

123. At its first regular session of 1989, the Economic and Social Council adopted resolution 1989/83 on the implementation of the Programme of Action for the Second Decade, in which it decided, as a matter of priority, to give particular attention to the specific activities of the Programme of Action for the Second Decade directed towards the elimination of apartheid, in view of the present explosive situation in southern Africa. The Council also requested the Secretary-General to organize in 1989 a seminar on cultural dialogue between the countries of origin and the host countries of migrant workers. The Council in that resolution also took note with appreciation of the reports of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, and in particular the recommendations contained therein.

124. The General Assembly, in its resolution 41/94 of 4 December 1986, requested the Economic and Social Council to envisage the organization of a seminar on cultural dialogue between the countries of origin and the host countries of migrant workers within the plan of activities for 1985-1989 to implement the Programme of Action for the Second Decade. That request was repeated by the Assembly in its resolution 42/47 and the Economic and Social Council, at its first regular session of 1988, in resolution 1988/6, requested the Secretary-General to organize such a seminar in 1989. At the invitation of the Greek Government, the seminar took place in Athens, Greece, from 18-26 September 1989. The report of the seminar will be before the Commission at its present session (E/CN.4/1990/50). The General Assembly, at its forty-fourth session, adopted resolution 44/52 entitled "Second Decade to Combat Racism and Racial Discrimination".

125. At its current session, the Commission will have before it:

(a) The report of the Secretary-General on the Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1990/36);

(b) The annual report on racial discrimination submitted by the International Labour Organisation (E/CN.4/1990/37);

(c) The annual report on racial discrimination submitted by the UNESCO (E/CN.4/1990/38);

(d) The report on the Athens seminar on cultural dialogue between the countries of origin and the host countries of migrant workers (E/CN.4/1990/50);

(e) The final report by the Special Rapporteur of the Sub-Commission, Mr. A. Eide, on the "Study of the achievements made and obstacles encountered during the Decade to Combat Racism and Racial Discrimination" (E/CN.4/Sub.2/1989/8 and Add.1).

126. In addition the Commission will have before it draft decision 2 contained in chapter I, section B, of the report of the Sub-Commission (E/CN.4/1990/2-E/CN.4/Sub.2/1989/58).

Item 18. Status of the International Covenants on Human Rights

127. By its resolution 1989/17, the Commission requested the Secretary-General to submit to it, at its forty-sixth session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, including all reservations and declarations, and to include in that report information on the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights. Accordingly, the Commission will have before it information on the status of the International Covenants on Human Rights and the work of the Council and the Committee on Economic, Social and Cultural Rights (A/44/441), as well as the reservations, declarations, notifications and objections relating to the International Covenant on Economic, Social and Cultural Rights (E/C.12/1988/1) and the International Covenant on Civil and Political Rights and the Optional Protocol thereto (CCPR/C/2/Rev.2).

Item 19. Effective functioning of bodies established pursuant to United Nations human rights instruments

128. This item is included in the provisional agenda of the Commission pursuant to Commission resolution 1989/47. The Commission, having studied the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies held at Geneva from 10 to 14 October 1988, requested the Secretary-General to report to the General Assembly at its forty-fourth session and to the Commission on Human Rights at its forty-sixth session on progress achieved by the treaty bodies and by the Secretary-General within their respective spheres of competence in streamlining, rationalizing and otherwise improving reporting procedures. Pursuant to that resolution, the Commission will have before it the report of the Secretary-General (A/44/539) presented to the General Assembly at its forty-fourth session.

129. By resolution 1989/47, the Commission also requested the Secretary-General to entrust an independent expert with the task of preparing a study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments and requested that the study be placed before the General Assembly at its forty-fourth session and the Commission on Human Rights at its forty-sixth session. Pursuant to that resolution, the Commission will have before it the study (A/44/668) presented to the General Assembly at its forty-fourth session.

130. By resolution 1989/46, the Commission requested the Secretary-General to appoint a task force to prepare a study on computerizing the work of the treaty bodies in relation to reporting, with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of the reports by the treaty bodies. Pursuant to that resolution, the Commission will have before it the report of the Secretary-General on the study prepared by the task force (E/CN.4/1990/39).

Item 20. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-first session

131. The report of the Sub-Commission is considered annually by the Commission. The report of the Sub-Commission's work at its forty-first session is contained in document E/CN.4/1990/2-E/CN.4/Sub.2/1989/58.

132. At its forty-first session, the Sub-Commission adopted 47 resolutions and 13 decisions which are reproduced in its report.

Draft resolutions and decisions for action by the Commission on Human Rights

133. Chapter I, sections A and B, of the report of the Sub-Commission contain 14 draft resolutions and 4 draft decisions proposed to the Commission for action. They are as follows:

Draft resolutions	Title
I.	Human rights monitoring mechanisms established within the United Nations framework; draft resolution referred to in the annotations to item 12 (see para. 83).
II.	Movement and dumping of toxic and dangerous products and wastes; draft resolution referred to in the annotations to item 15 (see para. 113).
III.	Compensation for victims of gross violations of human rights; draft resolution referred to in the annotations to item 11 (see para. 66).
IV.	Right to freedom of opinion and expression.
V.	Assistance to Paraguay in the field of human rights; draft resolution referred to in the annotations to item 23 (see para. 152).

Draft resolutions (continued)	Title
VI.	Discrimination against HIV-infected people or people with AIDS.
VII.	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa; draft resolution referred to in the annotations to item 7 (see para. 24).
VIII.	Human rights in times of armed conflicts.
IX.	Use of force by law enforcement officials, draft resolution referred to in the annotations to item 11 (see para. 67).
X.	Report of the Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States.
XI.	International Year for Indigenous Rights.
XII.	Sale of children.
XIII.	Programme of action for prevention of sale of children, child prostitution and child pornography.
XIV.	Status of the individual and contemporary international law.

Draft decisions	Title
1.	Traditional practices affecting the health of women and children.
2.	Measures to combat racism and racial discrimination and the role of the Sub-Commission; draft decision referred to in the annotations to item 17 (see para. 126).
3.	Draft universal declaration on indigenous rights.
4.	Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities; draft decision referred to in the annotations to item 21 (see para. 143).

Resolutions and decisions of the Sub-Commission drawn to the attention of the Commission on Human Rights

134. Chapter I, section C, of the Sub-Commission's report lists the resolutions and decisions of the Sub-Commission which are drawn to the Commission's attention for its consideration or action.

Report of the Chairman of the Sub-Commission

135. In its resolution 1989/36, the Commission called upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council. The Commission reaffirmed that the Sub-Commission can best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the Sub-Commission's report as well as in the expert studies carried out under its auspices. Further, the Commission requested the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines contained in Commission resolution 1989/36. The report of the Chairman of the Sub-Commission will be before the Commission in document E/CN.4/1990/40.

Status of Special Rapporteurs

136. In its resolution 1989/37, the Commission recommended that the Economic and Social Council requests, pursuant to Article 96, paragraph 2, of the Charter of the United Nations and in accordance with General Assembly resolution 89 (I) of 11 December 1946, an advisory opinion from the International Court of Justice on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 in the case of Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission.

137. The Economic and Social Council, at its first regular session of 1989, in resolution 1989/75, requested, on a priority basis, pursuant to Article 96, paragraph 2, of the Charter of the United Nations and in accordance with General Assembly resolution 89 (I) of 11 December 1946, an advisory opinion from the International Court of Justice on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission.

138. On 15 December 1989, the Court gave the following Advisory Opinion concerning the applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations:

> "The Court, unanimously, is of the opinion that Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations is applicable in the case of Mr. Dumitru Mazilu as a special rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities."

Item 21. Rights of persons belonging to national, ethnic, religious and linguistic minorities

139. At its thirty-fourth session, the Commission established an informal open-ended working group to consider questions related to the drafting of a declaration on the rights of members of minority groups, on the basis of a text proposed by Yugoslavia (E/CN.4/L.1367) which was intended to serve as a starting point for an exchange of views. The Commission has continued to examine this question at each of its subsequent sessions, at which a sessional open-ended working group has been established by the Commission to consider the matter.

140. At its forty-fifth session, the Commission adopted resolution 1989/61, by which it decided to establish at its forty-sixth session an open-ended working group to continue consideration of the revised draft declaration proposed by Yugoslavia, taking into account all relevant documents. It decided further that the working group should have no fewer than four full meetings, preferably during the first two weeks of the forty-sixth session. The Economic and Social Council decision 1989/146 endorsed the Commission's decision.

141. The Sub-Commission also examined the question, at its thirty-second, thirty-third, thirty-seventh, thirty-eighth and fortieth sessions (Sub-Commission decisions 1 (XXXII), 1 (XXXIII) and 1984/101 and resolutions 1985/6 and 1988/36).

142. At its fortieth session, the Sub-Commission adopted resolution 1988/36 entitled "Protection of Minorities", in which it invited Mrs. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities. At its forty-first session, the Sub-Commission adopted resolution 1989/44, by which it expressed appreciation to Mrs. Palley for her working paper (E/CN.4/Sub.2/1989/43) and decided to entrust Mr. Asbjørn Eide with the preparation of a further report on national experience on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities.

143. At its forty-sixth session, the Commission will have before it the report of the sessional open-ended working group (E/CN.4/1990/41) and draft decision 4 contained in chapter I, section B of the report of the Sub-Commission (E/CN.4/1990/2-E/CN.4/Sub.2/1989/58).

Item 22. Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences

144. Pursuant to General Assembly resolution 36/162, this item has been considered by the Commission on Human Rights since its thirty-eighth session. At its forty-second session, the Commission decided to consider the item on a biennial basis.

145. At its forty-fourth session, the Commission adopted resolution 1988/63 of 10 March 1988 in which it decided to include in the provisional agenda of its forty-sixth session an item entitled "Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences".

146. At its forty-third session, the General Assembly adopted resolution 43/150 of 8 December 1988. By that resolution, the General Assembly invited all Member States to take the necessary measures to ensure the thorough investigation, detection, arrest, extradition and punishment of all war criminals and persons guilty of crimes against humanity who have not yet been brought before a court and appropriately punished, and to refrain, in

accordance with the basic principles of international law, from practices aimed at the violation of basic human rights, particularly the right to self-determination. It also called upon all Governments to pay constant attention to educating the young in the spirit of respect for international law and fundamental human rights and freedoms and against Fascist, neo-Fascist and other totalitarian ideologies and practices based on terror, hatred and violence. The Assembly also invited all States and international organizations to submit to the Secretary-General their comments and information on the implementation of the resolution and requested the Secretary-General to submit a report, through the Economic and Social Council, to its forty-fifth session in 1990, in the light of the discussion that would take place in the Commission and on the basis of comments provided by States and international organizations.

Item 23. Advisory services in the field of human rights

147. At its forty-fifth session, the Commission, by resolution 1989/72, requested the Secretary-General to report to its forty-sixth session on the progress made in the implementation of the programme for advisory services in the field of human rights.

148. In its resolution 1989/71, the Commission requested the Secretary-General to elaborate guidelines on the use and allocation of the resources available through the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, with special emphasis on an effective mechanism for project appraisal, and to report annually on the operation and administration of the Voluntary Fund as part of his annual report on advisory services in the field of human rights (E/CN.4/1990/43).

149. The Commission will also have before it the report of the Expert on the manner in which the Government of Equatorial Guinea intends fully to implement the plan of action proposed by the United Nations and on the progress achieved to date (E/CN.4/1990/42), in accordance with Commission resolutions 1989/70.

150. In resolution 1989/73 on assistance to Haiti in the field of human rights, the Commission requested the Secretary-General, in consultation with the Haitian authorities, to extend the mandate of the Expert for one year, and requested the Expert to encourage the implementation of the Secretary-General's programme, as determined jointly with the Government of Haiti, and to make to the Government all necessary recommendations for the full restoration of human rights. It also requested the Expert to provide, in his reports, information on the development of the human rights situation in Haiti. The report of the Expert will be before the Commission in document (E/CN.4/1990/44).

151. In resolution 1989/74 on assistance to Guatemala, the Commission decided to request the Secretary-General to renew for one year the mandate of the Expert who should take into account, when reporting to the Commission, the situation in the country. In this connection, attention may be drawn to resolution 1989/6 of the Sub-Commission, entitled "Situation of human rights in Guatemala". The report of the Expert will be before the Commission in document (E/CN.4/1990/45).

152. The Commission also has before it draft resolution V, "Assistance to Paraguay in the field of human rights" contained in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1990/2-E/CN.4/Sub.2/1989/58).

Item 24. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

153. After the proclamation by the General Assembly in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55), the consideration of measures to implement the Declaration was taken up, at the request of the Assembly, by the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Work of the Sub-Commission

154. At its forty-fifth session, the Commission adopted resolution 1989/44, in which the Sub-Commission was requested: (a) To prepare a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief contained in the Declaration; (b) To examine, mindful of General Assembly resolution 41/120 of 4 December 1986, and taking into account the provisions of the existing international instruments in this field, the issues and factors which should be considered before any drafting of a further binding international instrument on freedom of religion and belief took place; and (c) To report on the above issues to the Commission at its forty-fifth session.

155. The Commission, by the same resolution, expressed the hope that the Sub-Commission at its forty-first session would report to the Commission at its forty-sixth session on the basis of a thorough consideration of the above tasks and issues, with a view to assisting the Commission in considering further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief, including the question of the desirability of any further standard-setting in this area in the light of General Assembly resolution 41/120.

156. At its forty-first session, the Sub-Commission adopted resolution 1989/23, in which it lists, for the attention of the Commission, at its forty-sixth session, a number of issues and considerations consistent with the Commission's requests. The Sub-Commission also reaffirmed its willingness and interest to make a further contribution to activities which may be considered by the Commission on Human Rights as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief.

Special Rapporteur

157. At its forty-second session, by resolution 1986/20, the Commission decided to appoint a Special Rapporteur to examine incidents and governmental actions which are inconsistent with the provisions of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief. Mr. Angelo Vidal d'Almeida Ribeiro (Portugal) was designated Special Rapporteur; his mandate was extended by the Commission at subsequent sessions and most recently, for two years, by the Commission resolution 1988/55.

158. At its forty-fifth session, in resolution 1989/44, the Commission invited the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that

came before him, to seek the views and comments of the Government concerned on any information which he intended to include in his report and to carry out his work with discretion and independence.

159. At its forty-sixth session, the Commission will have before it the report of the Special Rapporteur, Mr. d'Almeida Ribeiro (E/CN.4/1990/46).

Item 25. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

160. This item was included in the agenda of the forty-sixth session by Commission resolution 1989/60, adopted at its forty-fifth session. By the same resolution, the Commission decided to continue at its forty-sixth session its work on the elaboration of the draft declaration, using as a basis the views expressed and proposals made in the working group at its previous sessions. The Commission recommended to the Economic and Social Council to authorize an open-ended working group to meet for a period of eight working days prior to the forty-sixth session of the Commission. The Council, by its resolution 1989/80, endorsed the request of the Commission.

161. At its forty-sixth session, the Commission will have before it the report of the working group (E/CN.4/1990/47) scheduled to meet from 17 to 26 January 1990.

Item 26. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

162. In accordance with Economic and Social Council resolutions 1334 (XLIV) of 31 May 1968 and 1986/35 of 23 May 1986 and decisions 1978/21 of 5 May 1978 and 1987/102 of 6 February 1987, the Commission on Human Rights, at its forty-fourth session in 1988, elected 26 members of the Sub-Commission as well as their alternates from nominations of experts made by States Members of the United Nations on the following basis: (a) seven members from African States; (b) five members from Asian States; (c) three members from Eastern European States; (d) five members from Latin American States; (e) six members from Western European and other States.

163. Pursuant to the procedure established in Council resolution 1986/35, members of the Sub-Commission were to be elected for a term of four years and a half of its membership and the corresponding alternates, if any, were to be elected every two years. The Chairman of the forty-fourth session of the Commission on Human Rights drew lots to select the members and, as applicable, their corresponding alternates whose term of office should expire after two years in accordance with the following pattern: three members from African States; three members from Asian States; one member from Eastern European States; three members from Latin American States; and three members from Western European and other States.

164. As the term of office of half of the membership of the Sub-Commission has expired, the Commission on Human Rights is called upon to elect Sub-Commission members and alternates in accordance with the following pattern: three members from African States; three members from Asian States; one member from Eastern European States; three members from Latin American States; and three members from Western European and other States.

165. At its forty-sixth session, the Commission will have before it a note by the Secretary-General (E/CN.4/1990/48 and Add.1-4) containing the names and biographical data of candidates nominated for election by member States.

166. In its resolution 1989/36, the Commission on Human Rights called upon States to nominate as members and alternates persons meeting the criteria of independent experts who should discharge in that capacity their functions as members of the Sub-Commission. The Sub-Commission, in its resolution 1987/32, recommended that the Commission on Human Rights try and prevail upon all Governments to nominate more women for election to the Sub-Commission.

167. The attention of the Commission is further drawn to Economic and Social Council resolution 1983/32, by which the Council decided that, notwithstanding rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Council, certain rules should henceforth apply to the Sub-Commission. Under these rules, the nomination of a candidate for membership of the Sub-Commission may be accompanied by a nomination of an expert of the same nationality to be elected simultaneously with the candidate for membership and who may serve temporarily as an alternate if the member is unable to attend, the qualifications for alternates are to be the same as for members and no person may serve as alternate for a member except the expert so elected.

Item 27. Draft provisional agenda for the forty-seventh session of the Commission

168. Rule 9 of the rules of procedure provides that at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to its work and of their urgency and relevance in the light of the current situation.

169. The Commission will have before it, before the conclusion of the forty-sixth session, a note for its consideration containing a draft provisional agenda for its forty-seventh session, together with information concerning the corresponding documentation.

Item 28. Report to the Economic and Social Council on the forty-sixth session of the Commission

170. Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.